

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2048/P1ins
MPG:.....

1 INSERT 39-14

 ****NOTE: I did not include "establishment" of the alignment because the idea that the service comprises the establishment of the particular interest in real property is already contained in par. (a) (intro.), above. Is that okay?

2 END INSERT 39-14

3 INSERT 41-5

4 ^x
SECTION 1. 443.06 (1) (a) of the statutes is amended to read:

5 443.06 (1) (a) Application for ~~registration as a land surveyor~~ a license or a
6 permit to engage in the practice of professional land surveying shall be made to the
7 professional land surveyor section of the examining board under oath, on forms
8 provided by the department, which shall require the applicant to submit such
9 information as the professional land surveyor section ~~of the examining board~~ deems
10 necessary. The professional land surveyor section may require applicants to pass
11 written or oral examinations or both. Applicants who do not have an arrest or
12 conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be
13 ~~registered or issued granted a license or, subject to s. 443.06 (3), a permit to engage~~
14 in the practice as of professional land ~~surveyors~~ surveying when satisfactory
15 evidence is submitted that the applicant has met one or more of the requirements of
16 sub. (2).

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146.

17 END INSERT 41-5

18 INSERT 42-2

19 ^x
SECTION 2. 443.06 (2) (intro.) of the statutes is amended to read:

20 443.06 (2) ~~REQUIREMENTS; CERTIFICATE OF REGISTRATION LICENSE.~~ (intro.) The
21 professional land surveyor section may grant a ~~certificate of registration as a license~~

1 to engage in the practice of professional land surveyor surveying to any person who
2 has submitted to it an application, the required fees, and one or more of the following:

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146.

3 END INSERT 42-2

4 INSERT 42-21

****NOTE: In 2011 AB 586, the final sentence in par. (am), above, reads as follows:
"This paragraph applies to actions of the ~~land surveyor~~ section on applications for licenses to engage in the practice of professional land surveyors' certificates surveying that are submitted to the ~~land surveyor~~ section after June 30, 2000." However, with the removal of the date restriction, that sentence appears to become superfluous. Under sub. (2) (intro.), par. (am) already applies to actions taken by the professional land surveyor section on applications for licensure that are submitted to the section. Therefore, my treatment of par. (am), above, strikes the final sentence of the paragraph in its entirety. Is that change okay?

5 END INSERT 42-21

6 INSERT 43-11

7 ^x
SECTION 3. 443.06 (2) (cm) of the statutes is amended to read:

8 443.06 (2) (cm) Evidence satisfactory to the professional land surveyor section
9 that he or she has engaged in the practice of professional land surveying for at least
10 10 years of ~~land surveying~~ and has demonstrated practice of satisfactory character
11 that indicates that the applicant is competent to engage in the practice of
12 professional land surveying, if the applicant has passed an oral and written or
13 written examination administered by the professional land surveyor section. This
14 paragraph applies to ~~actions of the land surveyor section on~~ applications for licenses
15 to engage in the practice of professional land surveyors' certificates surveying that
16 are submitted to the professional land surveyor section after June 30, 2000 and
17 before July 1, 2019.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146.

18 END INSERT 43-11

19 INSERT 43-22

^x
SECTION 4. 443.06 (3) of the statutes is renumbered 443.06 (3) (a) (intro.) and amended to read:

443.06 (3) (a) PERMIT TO PRACTICE. The professional land surveyor section may grant a permit to engage in the practice of professional land surveying during the time an application is pending to ~~a person~~ [^] an applicant who is not ~~registered~~ licensed in this state, if ~~the person~~ all of the following apply:

1. The applicant has submitted an application for ~~registration~~ as a license to practice professional land surveyor surveying and paid the required fee and,

2. The applicant holds an unexpired certificate of registration, certificate of certification, or license which in the opinion of the professional land surveyor section meets the requirements of sub. (2).

****NOTE: Should the citation in subd. 2., above, be to sub. (2) (d) instead of to sub. (2) only? It is not clear what it means for a "certificate" not issued by the professional land surveyor section to "meet the requirements of sub. (2)." Sub. (2) variously includes education, practice, and character requirements, in addition to the requirement of an exam administered by the professional land surveyor section. Instead, it appears likely that the intent of subd. 2. is that the professional land surveyor section may issue a temporary permit to a person who has applied for licensure in Wisconsin and who has a current license or other credential (a certificate) to practice as a professional land surveyor issued by another state or other recognized jurisdiction. Under sub. (2) (d), that credential must have been issued by a jurisdiction with licensure requirements that meet or exceed the applicable requirements in Wisconsin, i.e. the requirements of sub. (2). A citation to sub. (2) (d) may help to clarify the statute's meaning. Please let me know how you would like to proceed.

(b) The permit shall be ~~revocable~~ valid only for the discrete project identified in par. (a) 3. and may be revoked by the professional land surveyor section at its pleasure.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146.

END INSERT 43-22

INSERT 45-18

^x
SECTION 5. 443.12 (2) of the statutes is amended to read:

1 443.12 (2) Charges of fraud, deceit, gross negligence, incompetence, or
2 misconduct may be made against any professional land surveyor by the professional
3 land surveyor section or any person. Such charges may be made on information and
4 belief, but shall be in writing, stating the specific acts, be signed by the complainant
5 and be submitted to the examining board. All charges shall be heard according to
6 the rules promulgated under s. 440.03 (1).

History: 1979 c. 167, 357; 1997 a. 237.

7 END INSERT 45-18

8 INSERT 45-24

9 SECTION 6. 443.12 (4) of the statutes is amended to read:

10 443.12 (4) The professional land surveyor section, for reasons it deems
11 sufficient, may reinstate a ~~certificate of registration~~ license to engage in the practice
12 of professional land surveying that has been revoked, if 3 members vote in favor of
13 such reinstatement. This subsection does not apply to a ~~certificate of registration~~
14 license that is revoked under s. 440.12.

History: 1979 c. 167, 357; 1997 a. 237.

15 SECTION 7. 443.135 of the statutes is created to read:

16 443.135 Construction and geodetic surveying preparation of maps.

17 Nothing in this chapter may be construed to prohibit a person who has not been
18 granted a license or permit to engage in the practice of professional land surveying
19 under this chapter from doing any of the following:

20 (1) Utilizing photogrammetry or remote sensing techniques or performing
21 topographic, construction or geodetic surveying not in connection with a practice
22 specified in s. 443.01 (6s) (a) to (e).

****NOTE: Above, I have retained the language, "not in connection with a practice
specified in s. 443.01 (6s) (a) to (e)." The drafting instructions request to replace that
language with: "for purposes other than a boundary establishment or reestablishment
specified in s. 443.01 (6s) (a) to (e)." However, boundary establishment or

Surveying

Exceptions for certain kinds of

not included? Note that "construction surveying" and "geodetic surveying" are both defined in the draft, but "topographic surveying" is not.

(3) Preparing a map that depicts temporary trails, easements, or other uses of
s if the map contains the following statement: “This map is not a survey of the
al boundary of any property this map depicts.”

INSERT 46-23

443.18 (2) (a) If it appears upon complaint to the examining board or to any member of the examining board by any person, or is known to the examining board or any section of the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 is practicing or offering to practice, ~~or is about to practice or to offer to practice,~~ architecture, landscape architecture, or professional engineering in this state, the appropriate section of the examining board ~~or the attorney general, the department, or the department of justice,~~ or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and behalf of ~~this~~ the state ~~against any such person~~ to enjoin the person from practicing or offering to practice architecture, landscape architecture, or professional engineering.

SECTION 9. 443.18 (2) (b) of the statutes is amended to read:

1 443.18 (2) (b) If it appears upon complaint to the examining board by any
2 person, or is known to the ~~land surveyor section of the~~ examining board that any
3 person ~~who is not authorized is practicing or offering~~ does not have a license or a
4 permit to engage in the practice of land surveying in this state, or who is ^{STET (LPS: leave "who" plain)} ~~exempt from~~
5 the licensure requirements under this chapter, ^{not} ~~the land surveyor section~~ examining
6 board, the department, the department of justice, or the district attorney of the
7 proper county may investigate and may, in addition to any other remedies, bring
8 action in the name and on behalf of the state to enjoin the person from practicing
9 engaging in or offering to engage in the practice of professional land surveying.

History: 1979 c. 167 ss. 27, 28, 45, 46; 1981 c. 20; 1993 a. 463, 465, 491; 1997 a. 300; 1995 a. 85; 2009 a. 123; 2011 a. 146.

****NOTE: Please note the changes to s. 443.18 (2) (a) in 2011 Act 146, adding the appropriate sections of the examining board. Do you still want to eliminate the professional land surveyor section from par. (b), above?

END INSERT 46-23

INSERT 52-4

^x
SECTION 10. 710.095 of the statutes is created to read:

710.095 Notice of land survey. If a professional land surveyor, as defined in s. 443.01 (7m),[✓] is hired to conduct a survey that the surveyor knows is being conducted in connection with the transfer or anticipated transfer of the ownership of the property subject to the survey, the surveyor shall give written notice of the survey to each property owner who owns property abutting one or more of the existing property lines subject to the survey no later than 10 days before the survey is conducted.

****NOTE: Is the ten-day prior notice requirement consistent with your intent?

END INSERT 52-4

is engaging in or offering to engage in the
practice of professional land surveying in this
state;

Insert 28-5

Section #. 236.13 (2m) of the statutes is amended to read:

*
236.13 (2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high-water mark of any navigable stream, ~~lake~~ ^{any} or ~~any~~ ^{perennial} other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of natural resources, to prevent pollution of navigable waters, or the department of safety and professional services, to protect the public health and safety, may require assurance of adequate drainage areas for private on-site wastewater treatment systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of safety and professional services determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

History: 1977 c. 29 ss. 1384, 1654 (8) (c); 1977 c. 162; 1979 c. 221, 248; 1981 c. 289 s. 19; 1981 c. 354; 1993 a. 414; 1995 a. 27 ss. 6310, 6311, 9116 (5); 1995 a. 227; 1997 a. 27; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 30; 2007 a. 44; 2009 a. 372, 376; 2011 a. 32, 146.

~~any~~ navigable ^{perennial}

(end of insert 28-5)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2048/P1ins2

....sac:....

INSERT-E A4

[new paragraph] Under current law, a cemetery authority must have lands that will be used for burial surveyed and platted into cemetery lots, drives, and walks.
[no new paragraph; this insert replaces the deleted sentence.]

END INSERT-E A4

INSERT-E 19-19

SECTION 1. 101.02 (24) (a) 2. of the statutes is amended to read:

101.02 (24) (a) 2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

SECTION 2. 101.19 (1r) of the statutes is amended to read:

101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

END INSERT-E 19-19

INSERT-E 40-20

443.02 (4) No person may engage in or offer to engage in the practice of
professional land surveying in this state or use or advertise any title or description
tending to convey the impression that the person is a professional land surveyor
unless the person has been ~~issued a certificate of registration or granted a~~ license or
~~permit to practice under this chapter~~ to engage in the practice of professional land
surveying.

END INSERT-E 40-20

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB2048/P1dn

MPG:.....

SAC

- date -

Representative Weatherston:

Please review this draft carefully to ensure that it is consistent with your intent.

This is a redraft of 2011 AB 586. In addition to changes to AB 586 that were requested in the drafting instructions, the draft contains other technical and stylistic changes. Please let me know if you have any questions about those changes.

Consistent with AB 586, the draft, in ch. 443, defines "professional land surveyor" to mean a person who is granted a license or permit under that chapter to engage in the practice of professional land surveying. However, also consistent with AB 586, throughout the draft, provisions that appear outside of ch. 443 only reference the professional land surveyor license, not the permit. See, for example, the definitions of "professional land surveyor" under ss. 59.001 (3r), 60.84 (1g), 157.06 (13m), 236.02 (9b), and 703.02 (13r) in the draft. Other provisions that do not include a definition of "professional land surveyor" either reference a license under ch. 443 or sometimes reference both a license and a permit. It may make sense to include a reference to a permit granted under s. 443.06 (3), even with the discrete project limitation contained in the draft, in some or all of the draft's provisions that currently only reference a license. Please let me know how you would like to proceed.

Also, the draft does not treat the references to a surveyor in s. 293.37 (2) (a) or ⁱⁿ s. 295.48 (1), which was created in 2013 Act 1. Do you want those provisions to reference a licensed professional surveyor?

See also the drafter's notes embedded in the draft.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB2048/P1dn
MPG:sac:jm


May 17, 2013

Representative Weatherston:

Please review this draft carefully to ensure that it is consistent with your intent.

This is a redraft of 2011 AB 586. In addition to changes to AB 586 that were requested in the drafting instructions, the draft contains other technical and stylistic changes. Please let me know if you have any questions about those changes.

Consistent with AB 586, the draft, in ch. 443, defines "professional land surveyor" to mean a person who is granted a license or permit under that chapter to engage in the practice of professional land surveying. However, also consistent with AB 586, throughout the draft, provisions that appear outside of ch. 443 only reference the professional land surveyor license, not the permit. See, for example, the definitions of "professional land surveyor" under ss. 59.001 (3r), 60.84 (1g), 157.061 (13m), 236.02 (9b), and 703.02 (13r) in the draft. Other provisions that do not include a definition of "professional land surveyor" either reference a license under ch. 443 or sometimes reference both a license and a permit. It may make sense to include a reference to a permit granted under s. 443.06 (3), even with the discrete project limitation contained in the draft, in some or all of the draft's provisions that currently only reference a license. Please let me know how you would like to proceed.

Also, the draft does not treat the references to a surveyor in s. 293.37 (2) (a) or in s. 295.48 (1), which was created in 2013 Act 1. Do you want those provisions to reference a licensed professional surveyor? 

See also the drafter's notes embedded in the draft.

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
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LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

6/24/2013 meeting w/ Bob Welch

1/P1

P. 5 - Analysis: should be "assessing authorities"

P. 10, l. 2) - Strike "and of ... courses run" -> included in manner of fixing corners.

P. 16, l. 11 - strike "exact" -> nothing exact in science.

P. 16, l. 15 - After "~~barometer~~" "located," insert "and adjoining county if on county line."

P. 19, l. 16 - Delete lines 16 - P. 20, line 8.

P. 21, l. 14 - change "1.5" to "1" -> inches.

P. 28, l. 23 - change "shall" to "may" -> could be on a cliff.

P. 31, l. 6 - add "or thread of stream"? -> If too awkward, don't do it.

P. 34, l. 24 - Delete "~~as or on any material ... reproduction~~" -> Duplicative & confusing.
-> Same on PP. 36,

P. 40 - D-note - okay.

P. 43 - D-note - okay.

P. 45 - Delete line 12 - P. 46, line 10 →
repeal permit → never used anyway.

P. 48, l. 12 - Give the photo. exception its
own section & title. Also, include
language from drafting inst.

P. 49, l. 22 - Delete lines 22 - P. 50, line 9.

P. 50, l. 16 - leave section in.

P. 53, l. 7 - see p. 34

P. 55, l. 3 - Delete lines 3 - 10.



IN: 7/23 / By Friday, 7/26 Trans.

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2048/P1
MPG/MGG/PJK:sac:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Inserts

D-Note

Gar out

11

1 AN ACT *to repeal* 236.12 (4), 236.12 (5), 236.20 (1) (b), 443.01 (4), 443.06 (2) (a),
2 443.06 (2) (b), 443.06 (2) (c), 443.06 (2) (e), 443.06 (2) (em), 443.14 (8) (b) and
3 443.14 (8) (c); *to renumber and amend* 60.84 (1), 236.11 (2), 236.12 (8), 236.15
4 (1) (intro.), 236.15 (1) (a), 236.21 (1) (b), 236.32 (except 236.32 (title)) and 443.06
5 (3); *to consolidate, renumber and amend* 236.12 (2) (intro.) and (a) and
6 236.12 (3) and (6); *to amend* 15.405 (2) (intro.), (a) and (b), 20.165 (2) (j), 26.09
7 (3) (b) 1., 30.11 (3), 30.13 (3) (a), 59.20 (2) (c), 59.43 (8), 59.45 (1) (a) 2., 59.45 (1)
8 (b), 59.45 (3), 59.46, 59.72 (3m) (a) 4m., 59.73 (2), 59.74 (2) (b) 1., 59.74 (2) (c),
9 59.74 (2) (g), 59.74 (2) (h), 59.74 (2) (j), 59.75, 60.84 (2), 60.84 (3) (a), 60.84 (3)
10 (c) (intro.) and 1., 60.84 (4), 66.0309 (11), 70.27 (2), 70.27 (5), 70.27 (6), 70.27 (7)
11 (intro.), 70.27 (7) (d), 84.095 (5), 101.02 (24) (a) 2., 101.19 (1r), 157.07 (1), 157.07
12 (2), 157.07 (3), 236.02 (2m), 236.03 (2), 236.12 (2) (b), 236.13 (2) (a), 236.13 (2m),
13 236.15 (1) (b), 236.15 (1) (d), 236.15 (2), 236.16 (3) (title), 236.16 (3) (a), 236.16
14 (3) (b), 236.16 (4), 236.20 (1) (a), 236.20 (2) (g), 236.20 (2) (k), 236.20 (3) (b),
15 236.20 (4) (b), 236.20 (5) (c), 236.21 (1) (intro.), 236.21 (1) (a), 236.21 (1) (d),

236.25 (2) (a), 236.25 (2) (c), 236.25 (2) (d), 236.34 (1) (a), 236.34 (1) (b), 236.34 (1) (c), 236.34 (1) (d) (intro.), 236.34 (1) (d) 1., 236.34 (1) (d) 2., 236.34 (1) (d) 4., 236.34 (1) (e), 236.34 (2) (b) 1., 440.03 (13) (b) 34., 440.08 (2) (a) 39., chapter 443 (title), 443.01 (3), 443.01 (3r) (c), 443.02 (4), 443.06 (title), 443.06 (1) (title), 443.06 (1) (a), 443.06 (1) (b), 443.06 (2) (intro.), 443.06 (2) (am), 443.06 (2) (bm), 443.06 (2) (cm), 443.06 (2) (d), 443.10 (title), 443.10 (2) (b), 443.10 (5), 443.12 (title), 443.12 (1), 443.12 (2), 443.12 (3), 443.12 (4), 443.14 (8) (a), 443.14 (8) (d), 443.14 (9), 443.14 (11), 443.18 (2) (a), 443.18 (2) (b), 470.025 (7), 703.02 (6m), 703.11 (2) (intro.), 703.11 (2) (b), 703.11 (4), 703.115 (1) (b), 703.13 (6) (e), 703.13 (7) (c), 703.13 (8) (c), 707.215 (2) (intro.), 707.215 (3), 707.215 (5) (intro.), 709.02 (1), 709.07 and 893.37; **to create** 59.001 (3r), 60.84 (1g), 60.84 (3) (c) 3., 157.061 (13m), 236.02 (9b), 236.025, 236.11 (2) (b), 236.12 (2) (ac), 236.20 (6), 236.32 (2m), 236.34 (4), 443.01 (1m), 443.01 (3b), 443.01 (6s), 443.01 (7m), 443.06 (3) (a) 3., 443.135, 703.02 (13r), 710.09 and 710.095 of the statutes; and **to affect** 2009 Wisconsin Act 376, section 13 (1); **relating to:** professional land surveyors; the practice of professional land surveying; surveying land abutting navigable waters; various changes regarding platting, surveying, and certified survey maps; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice land surveying or represent that he or she is a land surveyor unless the Land Surveyor Section (section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (board) has issued a certificate of registration or a permit to the person. "Land surveying" is defined as determining the location of land boundaries and boundary corners; preparing maps that show the shape and area of tracts of land or subdivisions or the layout of roads, streets, or rights-of-way; or preparing official plats or maps of land in this state.

This bill replaces "land surveying" with the term "practice of professional land surveying" and defines the term as any of the following:

1. Any service comprising the establishment or reestablishment of the boundaries of one or more tracts of land or the boundaries of any of the following interests in real property: a) the alignment and rights-of-way of roads or streets; b) air or subsurface property rights; or c) public or private easements.

2. Designing or coordinating designs for the purpose of platting or subdividing land into smaller tracts.

3. Placing, replacing, restoring, or perpetuating monuments in or on the ground to evidence the location of a point that is necessary to establish boundaries of one or more tracts of land or the subdivision or consolidation of one or more tracts of land or that is necessary to describe the boundaries of any interest in real property identified in item 1.

4. Preparing maps that depict any interest in real property identified in item 1. for the purpose of establishing the boundaries of any such interest in real property.

5. Preparing any of the following: a) an official map established or amended by a city, established or amended by a village, or adopted by a town; b) an assessor's plat; c) a map or plat of cemetery lands; d) a subdivision plat, certified survey map, or correction instrument; e) a condominium plat or correction instrument; or f) a project and time-share plat.

6. Performing construction or geodetic surveying in connection with any of the practices specified in items 1. to 5.

The bill also replaces the certificate of registration requirement under current law with a license requirement. Under the bill, with certain exceptions, a person may not engage in the practice of professional land surveying or represent that he or she is a professional land surveyor unless the person is issued a license or permit by the section.

In addition, the bill changes the name of the section to the Professional Land Surveyor Section and changes the name of the board to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors. The bill also replaces various references under current law to "registered land surveyor," "land surveyor," and "surveyor" with "professional land surveyor."

Under current law, a person who has completed an apprenticeship training course in land surveying, engaged in land surveying for eight years, and passed oral and written examinations may be registered as a land surveyor. This bill eliminates that pathway to licensure.

Current law authorizes the section to grant a permit to practice land surveying to a person while the application for a certificate of registration is pending if the person has paid a fee and holds an unexpired certification that satisfies one of the requirements for registration in this state. Such a permit may be revoked by the section at any time. This bill modifies the permitting authority granted to the section by restricting the permit to one discrete project and requiring the applicant to demonstrate to the satisfaction of the section that failure to obtain a permit will

not

The bill eliminates that authorization to grant a permit

result in the delay of that project and financial loss to the person for whom the applicant seeks to engage in the practice of professional land surveying.

Current law offers several exemptions from registration as a land surveyor. Current law exempts officers and employees of the federal government and employees of this state from any licensure requirement while the individuals are engaged in land surveying for the federal or state government, respectively. This bill eliminates those exemptions. Current law also exempts employees of public utilities who are engaged in land surveying. This bill retains that exemption until June 30, 2019.

Current law permits a town board to contract with the county surveyor or any registered land surveyor to survey all or some of the sections of the town and to erect monuments. The surveyor retained by the town must prepare a certificate that provides a record of any survey created and that documents actions taken by the county surveyor. The certificate must include the bearings of and distance between monuments and must be recorded in the office of the county register of deeds. This bill requires, instead, that a surveyor retained by the town prepare a U.S. Public Land Survey monument record (monument record) that documents the actions taken by the surveyor, including every monument erected on section and quarter section corners. The monument record must be either recorded with the register of deeds or filed in the office of the county surveyor in the county in which the land is located. Current law permits the town board to determine the nature of the monument, but the monument must be either a stone or other durable material of certain dimensions or a three-inch diameter iron pipe of certain dimensions. This bill permits the town board and the surveyor to agree upon an equivalent monument.

Under current law, a cemetery authority must have lands that will be used for burial surveyed and platted into cemetery lots, drives, and walks. The plat or map must show the location of the land being subdivided with reference to a corner or corners established by the U.S. Public Land Survey by bearings and distances. This bill requires, instead, that the location of the lands be indicated on the plat or map by bearing and distance from the boundary line of a government lot, quarter section, recorded private claim, or federal reservation in which the subdivision is located and the monumentation at the ends of the boundary line must be described and the bearing and distance shown.

Under current law, a registered land surveyor who prepares a lake or stream shore plat must show certain dimensions as measured from the ordinary high water mark (OHWM) of the lake or stream. The bill authorizes a professional land surveyor to incorporate an OHWM that has been determined by the Department of Natural Resources (DNR) or that has otherwise been determined by law or to approximate the OHWM. The bill requires that statements be included on the face of certain plats or maps that explain that the land below the OHWM of a navigable water is subject to the public trust doctrine for navigable waters and that exposed land between the OHWM and the water's edge is to be used exclusively by the owner of the adjacent waterfront property, unless otherwise provided by law or by the owner's title.

The bill makes a number of changes to the laws relating to subdivision plats, certified survey maps, and the recording of certain plats, including the following:

1. Under current law, a subdivision plat may not be recorded unless it is approved by, depending on the location of the subdivision that is the subject of the plat, the governing body of a town, city, or village and, in some circumstances, a county planning agency (approving authorities). The plat must also be approved by a county planning agency, county park commission, or county park manager to determine whether there is a conflict with parks, parkways, or other planned public developments; the Department of Administration (DOA); if the subdivision abuts or adjoins a state highway, the Department of Transportation (DOT); and, if the subdivision is not served by a public sewer and provision for that service has not been made, the Department of Safety and Professional Services (DSPS) (approving agencies). Current law specifies the number of copies of the plat that must be submitted, to whom they must be submitted, and the time limits within which the approving authorities and approving agencies must act and provides two different procedures that may be used by a subdivider. The bill simplifies the approval process by limiting it to a single procedure, which is, for the most part, one of the two procedures under current law.

Under the bill, the subdivider or subdivider's agent must submit an electronic copy of the preliminary or final plat, or a copy that is capable of legible reproduction, to the approving authority or authorities and to DOA. DOA must examine the plat for compliance with certain statutory requirements and, within two days, transmit an electronic copy or two legible hard copies of the plat to DOT or DSPS or both, based on the criteria under current law. Also within two days after receiving the copy of the plat, DOA must transmit copies of the plat to the county planning agency, county park commission, or county park manager for making the determinations required under current law. Each approving agency has 20 days after receiving a copy of the plat to notify the subdivider and all other approving agencies of any objection to the plat, or to certify on the face of a copy of the plat that it has no objection and to return that copy to DOA. DOA then must certify on the face of the plat that each approving agency has certified that it has no objection or that its objection has been satisfied. If an approving agency other than DOA fails to act within 20 days after receiving a copy of the plat, or if DOA fails to act within 30 days after receiving a copy of the plat, the plat is deemed to be approved and, upon demand, DOA must so certify on the face of the plat.

As under current law, the approving authority or authorities have 60 days after receiving the plat to approve or reject it, but no approving authority may inscribe its final approval on the plat before DOA has certified that all approving agencies have approved the plat.

2. Current law provides that public access to a navigable lake or stream that is established when a subdivision is platted may be vacated only by court action. The bill specifies that such public access may, in addition, be discontinued through a process that exists under current law in which a city, village, town, or county may, by resolution, discontinue a public way upon the written petition of the requisite number of landowners abutting the public way. Current law also provides that DNR must approve of any such discontinuation by a town or county if the public way provides public access to a navigable lake or stream.

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3. Current law specifies where monuments must be placed when a subdivision is surveyed and provides that, if a monument would have to be placed in a street when the external boundaries of a subdivision are surveyed, the monument may be placed in the side line of the street. The bill expands this provision to surveys of all parts of a subdivision, not just the external boundaries.

4. Current law provides that a subdivider's project may be constructed in phases and that the amount of any security required by the municipality in which the project is located must be limited to the phase of the project currently being constructed. The bill makes this provision retroactive to all subdivision plats, regardless of when submitted for approval.

5. Under current law, a subdivision plat must have a binding margin that is one and one-half inches on the left side and a one-inch margin on all other sides; all lands dedicated to public use, except roads and streets, must be clearly marked on the plat as dedicated to the public; and the location of the subdivision must be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim, or federal reservation. The bill changes the plat margin requirements to one inch on all sides, requires roads and streets that are dedicated to public use also to be marked as dedicated to the public, and adds that the location of the subdivision may be indicated by bearing and distance from a boundary line of a government lot monumented in the original survey or resurvey of Wisconsin.

6. The bill clarifies that if land shown in a subdivision plat or certified survey map that is to be recorded is shown in a previously recorded plat or certified survey map, it may be described in the new plat or certified survey map by the subdivision name or previous certified survey map number rather than requiring a metes-and-bounds description of the land.

7. Under current law, a certified survey map may not be recorded unless it is offered for record within 6 months after the last approval and within 24 months after the first approval. The bill increases this timeline to within 12 months after the last approval and within 36 months after the first approval.

8. The bill explicitly allows certified survey maps to be used to grant easements to the public or any person, society, or corporation.

9. Current law provides a procedure for vacation of a subdivision plat by a circuit court. The bill establishes a similar procedure for vacation of a certified survey map by a circuit court.

* 10. The bill provides that the following documents may be produced for recording on any material that is capable of clearly legible reproduction or other media that is acceptable to the register of deeds: a subdivision plat, a certified survey map, an assessor's plat, a cemetery plat, a condominium plat, and a time-share plat.

11. Current law provides a penalty of not more than \$250 or imprisonment for not more than one year in the county jail for various violations related to the placement of monuments by a surveyor. The bill provides that each monument to which a violation applies is a separate violation and therefore subject to a separate penalty.

The bill codifies the holding of the Wisconsin Supreme Court in *FAS, LLC v. Town of Bass Lake*, 2007 WI 73, 301 Wis. 2d 321, 733 N.W.2d 287, by specifying that,

unless a local ordinance provides otherwise, a navigable stream running through a parcel of property does not, in and of itself, divide the parcel into two lots if the same person holds title to the property on both sides of the stream.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

x

1 **SECTION 1.** 15.405^x (2) (intro.), (a) and (b) of the statutes are amended to read:

2 15.405 (2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
3 PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS. (intro.)
4 There is created an examining board of architects, landscape architects, professional
5 engineers, designers, and professional land surveyors in the department of safety
6 and professional services. Any professional member appointed to the examining
7 board shall be registered or licensed to practice architecture, landscape architecture,
8 professional engineering, the design of engineering systems, or professional land
9 surveying under ch. 443. The examining board shall consist of the following
10 members appointed for 4-year terms: 3 architects, 3 landscape architects, 3
11 professional engineers, 3 designers, 3 professional land surveyors, and 10 public
12 members.

13 (a) In operation, the examining board shall be divided into an architect section,
14 a landscape architect section, an engineer section, a designer section, and a
15 professional land surveyor section. Each section shall consist of the 3 members of
16 the named profession appointed to the examining board and 2 public members
17 appointed to the section. The examining board shall elect its own officers, and shall
18 meet at least twice annually.

(b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration or licensure, and all other matters of interest to either the architect, landscape architect, engineer, designer, or professional land surveyor section shall be acted upon solely by the interested section.

as affected by 2013 Wisconsin Act 20A

SECTION 2. 20.165 (2) (j) of the statutes is amended to read:

20.165 (2) (j) *Safety and building operations*. The amounts in the schedule for the purposes of chs. 101.145, ^{and} 168 and ss. 167.35, 236.12 (2) (a) (ap), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation account.

SECTION 3. 26.09 (3) (b) 1. of the statutes is amended to read:

26.09 (3) (b) 1. A court shall award damages that equal the stumpage value of the raw forest products harvested if the person harvesting the raw forest products or the person giving consent for the harvesting reasonably relied upon a recorded survey that was done by a person who is registered licensed under ch. 443 as a professional land surveyor or who is issued a permit to engage in the practice of professional land surveying under s. 443.06 (3) even if the recorded survey is determined, after the harvesting, to be in error.

SECTION 4. 30.11 (3) of the statutes is amended to read:

30.11 (3) HOW ESTABLISHED. Whenever any municipality proposes to establish a bulkhead line or to reestablish an existing bulkhead line, the municipality shall indicate both the existing shore and the proposed bulkhead line upon a map and shall file with the department for its approval 6 copies of the map and 6 copies of the ordinance establishing the bulkhead line. The map shall use a scale of not less than 100 feet to an inch or any other scale required by the department. The map and a metes and bounds description of the bulkhead line shall be prepared by a professional land surveyor registered in this state licensed under ch. 443. The department may require the installation of permanent reference markers to the bulkhead line. Upon approval by the department, the municipality shall deliver the map, description, and ordinance to the office of the register of deeds of the county in which the bulkhead line lies, to be recorded by the register of deeds.

SECTION 5. 30.13 (3) (a) of the statutes is amended to read:

30.13 (3) (a) Any municipality authorized by s. 30.11 to establish a bulkhead line may also establish a pierhead line in the same manner as it is authorized to establish a bulkhead line, except that a metes and bounds legal description is not required nor is the map required to be prepared by a ~~registered~~ professional land surveyor licensed under ch. 443 and except that if the municipality has created a board of harbor commissioners the municipality must obtain the approval of the board concerning the establishment of the pierhead line in addition to obtaining the approval of the department.

SECTION 6. 59.001 (3r) of the statutes is created to read:

59.001 (3r) "Professional land surveyor" means a professional land surveyor licensed under ch. 443.

SECTION 7. 59.20 (2) (c) of the statutes is amended to read:

59.20 (2) (c) In counties that elect a surveyor, the surveyor shall be a ~~registered~~ professional land surveyor. In lieu of electing a surveyor in any county having a population of less than 500,000, the board may, by resolution, designate that the duties under ss. 59.45 (1) and 59.74 (2) be performed by any ~~registered~~ professional land surveyor employed by the county. Any surveyor employed by a county having a population of 500,000 or more shall be a professional land surveyor.

SECTION 8. 59.43 (8) of the statutes is amended to read:

59.43 (8) REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR RECORDING. It is unlawful for the register of deeds of any county or any proper public authority to file or record a map, plat, survey, or other document within the definition of the practice of professional land surveying under s. 443.01 (6s), which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered professional land surveyor under whose responsible charge the map, plat, survey, or other document was prepared. This subsection does not apply to any deed, contract, or other recordable document prepared by an attorney, ~~or to a transportation project plat that conforms to s. 84.095 and that is prepared by a state agency.~~

SECTION 9. 59.45 (1) (a) 2. of the statutes is amended to read:

59.45 (1) (a) 2. Make, personally or by a deputy, a record, in books or on drawings and plats that are kept for that purpose, of all corners that are set and the manner of fixing the corners and of all bearings and the distances of all courses run, of each survey made personally, by deputies or by other professional land surveyors and arrange or index the record so it is an easy-to-use ~~easy-to-use~~ reference and file and preserve in the office the original field notes and calculation thereof. Within 60 days after completing any survey, the county surveyor shall make a true and correct

1 copy of the foregoing record, in record books or on reproducible papers to be furnished
2 by the county and kept in files in the office of the county surveyor to be provided by
3 the county. In a county with a population of 500,000 or more where there is no county
4 surveyor, a copy of the record shall also be filed in the office of the regional planning
5 commission which acts in the capacity of county surveyor for the county.

6 **SECTION 10.** 59.45^x (1) (b) of the statutes is amended to read:

7 59.45 (1) (b) Surveys for individuals or corporations may be performed by any
8 professional land surveyor who is employed by the parties requiring the services,
9 providing that within 60 days after completing any survey the professional land
10 surveyor files a true and correct copy of the survey in the office of the county surveyor.
11 In counties with a population of 500,000 or more the copy shall be filed in the office
12 of the register of deeds and in the office of the regional planning commission which
13 acts in the capacity of county surveyor for the county.

14 **SECTION 11.** 59.45[✓] (3) of the statutes is amended to read:

15 59.45 (3) SURVEYOR; FEES. In addition to the regular fees of professional land
16 surveyors that are received from the parties employing the county surveyor, the
17 county surveyor may receive a salary from the county.

18 **SECTION 12.** 59.46[✓] of the statutes is amended to read:

19 **59.46 Penalty for nonfeasance.** Any county surveyor, any city, village, or
20 town engineer, or any professional land surveyor who fails or refuses to perform any
21 duty required of that person by law shall forfeit not less than \$25 nor more than \$50
22 for each such failure or refusal.

23 **SECTION 13.** 59.72[✓] (3m) (a) 4m. of the statutes is amended to read:

24 59.72 (3m) (a) 4m. The county surveyor or a ~~registered~~ professional land
25 surveyor employed within the county.

SECTION 14. 59.73 (2) of the statutes is amended to read:

59.73 (2) SUBDIVIDING SECTIONS. Whenever a county surveyor or professional land surveyor is required to subdivide a section or smaller subdivision of land established by the United States survey, the county surveyor or professional land surveyor shall proceed according to the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity to the federal statutes. While so engaged a professional land surveyor and the professional land surveyor's assistants shall not be liable as a trespasser and shall be liable only for any actual damage done to land or property.

SECTION 15. 59.74 (2) (b) 1. of the statutes is amended to read:

59.74 (2) (b) 1. Whenever it becomes necessary to destroy, remove, or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this subsection, the person including employees of governmental agencies who intend to commit such act shall serve written notice at least 30 days prior to the act upon the county surveyor of the county within which the landmark is located. Notice shall also be served upon the municipality's engineer if the landmark is located within the corporate limits of a municipality. The notice shall include a description of the landmark, monument of survey, or corner post and the reason for removing or covering it. In this paragraph, removal of a landmark includes the removal of railroad track by the owner of the track. In a county having a population of less than 500,000 where there is no county surveyor, notice shall be served upon the clerk. In a county with a population of 500,000 or more where there is no county surveyor, notice shall be served upon the executive director of the regional planning commission which acts in the capacity of county surveyor for the county. Notwithstanding par. (c), upon receipt of the notice

1 the clerk shall appoint a ~~registered~~ professional land surveyor to perform the duties
2 of a county surveyor under subd. 2.

3 **SECTION 16.** 59.74 (2) (c) of the statutes is amended to read:

4 59.74 (2) (c) In those counties where there are no county surveyors a petition
5 can be made to the board by any resident of this state requesting the board to appoint
6 a professional land surveyor to act in the capacity of the county surveyor. The board,
7 upon receipt of this petition, shall appoint a professional land surveyor to act in the
8 capacity of the county surveyor. In counties with a population of 500,000 or more,
9 the board may appoint a governmental agency to act in the capacity of county
10 surveyor.

11 **SECTION 17.** 59.74 (2) (g) of the statutes is amended to read:

12 59.74 (2) (g) Every professional land surveyor and every officer of the
13 department of natural resources and the district attorney shall enforce this
14 subsection.

15 **SECTION 18.** 59.74 (2) (h) of the statutes is amended to read:

16 59.74 (2) (h) Any ~~registered~~ professional land surveyor employed by the
17 department of transportation or by a county highway department, may, incident to
18 employment as such, assume and perform the duties and act in the capacity of the
19 county surveyor under this subsection with respect to preservation and perpetuation
20 of landmarks, witness monuments, and corner posts upon and along state trunk,
21 county trunk, and town highways. Upon completing a survey and perpetuating
22 landmarks and witness monuments under par. (b) 2., a professional land surveyor
23 employed by the state shall file the field notes and records in the district office or
24 main office of the department of transportation, and a professional land surveyor
25 employed by a county shall file the field notes and records in the office of the county

1 highway commissioner, open to inspection by the public, and in either case a true and
2 correct copy of the field notes and records shall be filed with the county surveyor. In
3 a county with a population of 500,000 or more where there is no county surveyor, a
4 copy of the field notes and records shall also be filed in the office of the regional
5 planning commission which acts in the capacity of county surveyor for the county.

6 **SECTION 19.** 59.74 (2) (j) of the statutes is amended to read:

7 59.74 (2) (j) The county surveyor may employ other professional land surveyors
8 to assist in this work and may accept reference checks for these corners from any
9 professional land surveyor.

10 **SECTION 20.** 59.75 of the statutes is amended to read:

11 **59.75 Certificates and records as evidence.** The certificate and also the
12 official record of the county surveyor when produced by the legal custodian thereof,
13 or any of the county surveyor's deputies, when duly signed by the county surveyor
14 in his or her official capacity, shall be admitted as evidence in any court within the
15 state, but the same may be explained or rebutted by other evidence. If any county
16 surveyor or any of his or her deputies are interested in any tract of land a survey of
17 which becomes necessary, such survey may be executed by any professional land
18 surveyor appointed by the board.

19 **SECTION 21.** 60.84 (1) of the statutes is renumbered 60.84 (1r) and amended to
20 read:

21 **60.84 (1r) SURVEY, CONTRACT FOR.** The town board may contract with the county
22 surveyor or any ~~registered~~ professional land surveyor to survey all or some of the
23 sections in the town and to erect monuments under this section as directed by the
24 board.

25 **SECTION 22.** 60.84 (1g) of the statutes is created to read:

1 60.84 (1g) DEFINITION. In this section, “professional land surveyor” means a
2 professional land surveyor licensed under ch. 443.

3 SECTION 23. 60.84 (2) of the statutes is amended to read:

4 60.84 (2) BOND. Before the town board executes a contract under sub. ~~(1)~~ (1r),
5 the county surveyor or professional land surveyor shall execute and file with the
6 town board a surety bond or other financial security approved by the town board.

7 SECTION 24. 60.84 (3) (a) of the statutes is amended to read:

8 60.84 (3) (a) Monuments shall be set on section and quarter–section corners
9 established by the United States survey. If there is a clerical error or omission in the
10 government field notes or if the bearing trees, mounds, or other location identifier
11 specified in the notes is destroyed or lost, and if there is no other reliable evidence
12 by which a section or quarter–section corner can be identified, the county surveyor
13 or professional land surveyor shall reestablish the corner under the rules adopted by
14 the federal government in the survey of public lands. The county surveyor or
15 professional land surveyor shall set forth his or her actions under this paragraph in
16 the ~~certificate~~ U.S. public land survey monument record under sub. (4).

17 SECTION 25. 60.84 (3) (c) (intro.) and 1. of the statutes are amended to read:

18 60.84 (3) (c) (intro.) To establish, relocate, or perpetuate a corner, the county
19 surveyor or professional land surveyor shall set in the proper place a monument, as
20 determined by the town board, consisting of any of the following:

21 1. A stone or other equally durable material, not less than 3 feet long and 6
22 inches square, with perpendicular, dressed sides and a square, flat top. As
23 prescribed by the town board, the top shall be engraved with either of the following:

24 a. A cross formed by lines connecting the corners of the top; ~~or,~~

b. If the monument is set at a section corner, the number of the section or, if set at a quarter-section corner, "1/4S"; ~~or,~~

SECTION 26. 60.84 (3) (c) 3. of the statutes is created to read:

60.84 (3) (c) 3. An equivalent monument agreed upon by all parties of the contract.

SECTION 27. 60.84 (4) of the statutes is amended to read:

60.84 (4) ~~CERTIFICATE~~ U.S. PUBLIC LAND SURVEY MONUMENT RECORD. The county surveyor or professional land surveyor shall prepare a certificate U.S. public land survey monument record setting forth a complete and accurate record of any survey monument erected on section and quarter section corners under this section, including the ~~exact~~ bearings and distances of each monument from each other monument nearest it on any line in the town. The ~~certificate~~ U.S. public land survey monument record and a map of any additional monuments set shall be recorded in the office of the register of deeds or filed in the office of the county surveyor of the county in which the surveyed land is located.

SECTION 28. 66.0309 (11) of the statutes is amended to read:

66.0309 (11) MATTERS REFERRED TO REGIONAL PLANNING COMMISSION. The officer or public body of a local governmental unit within the region having final authority may refer to the regional planning commission, for its consideration and report, the location or acquisition of land for any of the items or facilities ~~which~~ that are included in the adopted regional master plan. Within 20 days after the matter is referred to the regional planning commission or a longer period as may be stipulated by the referring officer or public body, the commission shall report its recommendations to the referring officer or public body. The report and recommendations of the commission shall be advisory only. A state agency may authorize the regional

and of the adjoining county if a monument is located on the county line

1 planning commission with the consent of the commission to act for the agency in
2 approving, examining, or reviewing plats, under s. 236.12 (2) ~~(a)~~ (ap). A regional
3 planning commission authorized by a local unit on November 1, 1980, to act for the
4 local unit in approving plats may continue to so act until the commission withdraws
5 its consent or the local unit its approval. A local unit may authorize a regional
6 planning commission, with the consent of the commission, to conduct an advisory
7 review of plats.

8 **SECTION 29.** 70.27[✓] (2) of the statutes is amended to read:

9 70.27 (2) CERTIFICATION, APPROVAL, RECORDING. Such plat, when completed and
10 certified as provided by this section, and when approved by the governing body, shall
11 be acknowledged by the clerk thereof and recorded in the office of the register of
12 deeds. No plat may be recorded in the office of the register of deeds unless it is
13 produced on material that is capable of clearly legible reproduction or other media
14 that is acceptable to the register of deeds.

15 **SECTION 30.** 70.27[✓] (5) of the statutes is amended to read:

16 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a
17 professional land surveyor licensed under ch. 443 and shall survey and lay out the
18 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or
19 private use, according to the records of the register of deeds, and whatever evidence
20 that may be available to show the intent of the buyer and seller, in the chronological
21 order of their conveyance or dedication, and set temporary monuments to show the
22 results of such survey which shall be made permanent upon recording of the plat as
23 provided for in this section. The map shall be at a scale of not more than 100 feet per
24 inch, unless waived in writing by the department of administration under s. 236.20
25 (2) (L). The owners of record of lands in the plat shall be notified by certified letter

1 mailed to their last-known address, in order that they shall have opportunity to
2 examine the map, view the temporary monuments, and make known any
3 disagreement with the boundaries as shown by the temporary monuments. It is the
4 duty of the professional land surveyor making the plat to reconcile any discrepancies
5 that may be revealed, so that the plat as certified to the governing body is in
6 conformity with the records of the register of deeds as nearly as is practicable. When
7 boundary lines between adjacent parcels, as evidenced on the ground, are mutually
8 agreed to in writing by the owners of record, such lines shall be the true boundaries
9 for all purposes thereafter, even though they may vary from the metes and bounds
10 descriptions previously of record. Such written agreements shall be recorded in the
11 office of the register of deeds. On every assessor's plat, as certified to the governing
12 body, shall appear the volume, page, and document number of the metes and bounds
13 description of each parcel, as recorded in the office of the register of deeds, which
14 shall be identified with the number by which such parcel is designated on the plat,
15 except that lots which have been conveyed or otherwise acquired but upon which no
16 deed is recorded in the office of register of deeds may be shown on an assessor's plat
17 and when so shown shall contain a full metes and bounds description.

18 **SECTION 31.** 70.27 (6) of the statutes is amended to read:

19 70.27 (6) MONUMENTS, PLAT REQUIREMENTS. The provisions of s. 236.15 as to
20 monuments, and the provisions of s. 236.20 as to form and procedure, insofar as they
21 are applicable to the purposes of assessors' plats, shall apply. Any stake or
22 monument found and accepted as correct by a professional land surveyor laying out
23 an assessor's plat shall be indicated as "stake found" or "monument found" when
24 mapping the plat and such stake or monument shall not be removed or replaced even
25 though it is inconsistent with the standards of s. 236.15.

1 **SECTION 32.** 70.27 (7) (intro.) of the statutes is amended to read:

2 70.27 (7) CERTIFICATE. (intro.) When completed, the assessor's plat shall be
3 filed with the clerk of the governing body that ordered the plat. On its title page shall
4 appear the sworn certificate of the professional land surveyor who made the plat,
5 which shall state and contain:

6 **SECTION 33.** 70.27 (7) (d) of the statutes is amended to read:

7 70.27 (7) (d) A statement that the professional land surveyor has fully complied
8 with the provisions of this section in filing the same.

9 **SECTION 34.** 84.095 (5) of the statutes is amended to read:

10 84.095 (5) ~~SURVEYOR'S~~ PROFESSIONAL LAND SURVEYOR'S CERTIFICATE. A plat
11 prepared for filing or recording under this section shall include a certificate of a
12 professional land surveyor ~~registered~~ licensed under s. 443.06 that the plat is a
13 correct representation of the project described and that the identification and
14 location of each parcel can be determined from the plat. This subsection does not
15 apply to plats prepared by the department.

16 **SECTION 35.** 101.02 (24) (a) 2. of the statutes is amended to read:

17 101.02 (24) (a) 2. "License" means a license, permit, or certificate of
18 certification or registration issued by the department for an occupation or profession
19 under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16
20 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,
21 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,
22 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
23 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

24 **SECTION 36.** 101.19 (1r) of the statutes is amended to read:

1 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive
2 any fee imposed on an individual who is eligible for the veterans fee waiver program
3 under s. 45.44 for a license, permit, or certificate of certification or registration issued
4 by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147,
5 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or
6 (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
7 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,
8 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

9 **SECTION 37.** 157.061 (13m) of the statutes is created to read:

10 157.061 (13m) "Professional land surveyor" means a professional land
11 surveyor licensed under ch. 443.

12 **SECTION 38.** 157.07 (1) of the statutes is amended to read:

13 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
14 professional land surveyor ~~registered in this state~~ those portions of the lands that are
15 from time to time required for burial, into cemetery lots, drives, and walks, and
16 record a plat or map of the land in the office of the register of deeds. The plat or map
17 may not be recorded unless laid out and platted to the satisfaction of the county board
18 of the county, and the town board of the town in which the land is situated, or, if the
19 land is situated within a 1st class city, then only by the common council of that city.

20 **SECTION 39.** 157.07 (2) of the statutes is amended to read:

21 157.07 (2) The ~~plat or map~~ location of the lands shall ~~show the exact location~~
22 ~~of the tract being subdivided with reference to a corner or corners established in the~~
23 ~~United States public land survey by bearings and distances~~ be indicated on the plat
24 or map by bearing and distance from a boundary line of a government lot, quarter
25 section, recorded private claim, or federal reservation in which the subdivision is

1 located. The monumentation at the ends of the boundary line shall be described and
2 the bearing and distance between them shown, and the plat or map shall show a
3 small scale drawing of the section or government subdivision of the section in which
4 the cemetery plat is situated, with the cemetery plat indicated. The plat or map shall
5 include the certificate of the professional land surveyor containing the name of the
6 cemetery authority, the date of the survey, the professional land surveyor's stamp or
7 seal and signature, and the professional land surveyor's statement that the survey
8 is true and correct to the professional land surveyor's best knowledge and belief.

9 **SECTION 40.** 157.07 (3) of the statutes is amended to read:

10 157.07 (3) The plat or map shall be made on a durable white media that is 22
11 inches wide by 30 inches long, or on any material that is capable of clearly legible
12 reproduction or other media that is acceptable to the register of deeds, with a
13 permanent nonfading black image. Seals or signatures that are reproduced on
14 images that comply with this subsection have the force and effect of original seals and
15 signatures. When more than one sheet is used for any one plat or map, they shall
16 be numbered consecutively and each sheet shall contain a notation showing the
17 whole number of sheets in the plat, and its relation to the other sheets. The sheets
18 may be provided by the county through the register of deeds on terms determined by
19 the county board. The professional land surveyor shall leave a binding margin of 1.5
20 inches on the left side of the 30-inch length and a one-inch margin on all other sides.

21 **SECTION 41.** 236.02 (2m) of the statutes is amended to read:

22 236.02 (2m) "Correction instrument" means an instrument drafted by a
23 licensed professional land surveyor that complies with the requirements of s.
24 236.295 and that, upon recording, corrects a subdivision plat or a certified survey
25 map.

one inch

✓
1 **SECTION 42.** 236.02 (9b) of the statutes is created to read:

2 236.02 (9b) “Professional land surveyor” means a professional land surveyor
3 licensed under ch. 443.

✓
4 **SECTION 43.** 236.025 of the statutes is created to read:

5 **236.025 Ordinary high water marks.** (1) For purposes of ss. 236.15 (1) (ag)
6 and (d) and 236.20 (2) (g), a professional land surveyor may do any of the following:

7 (a) Incorporate into a map, plat, or survey an ordinary high water mark that
8 has been determined by the department of natural resources or otherwise
9 determined pursuant to law.

10 (b) Approximate the ordinary high water mark and incorporate that mark into
11 a map, plat, or survey.

12 (2) For purposes of sub. (1) (b), the location of the approximate ordinary high
13 water mark shall be the point on the bank of a navigable perennial stream or on the
14 shore of a lake up to which the presence and action of surface water is so continuous
15 as to leave a distinctive mark by erosion, destruction, prevention of terrestrial
16 vegetation, predominance of aquatic vegetation, or other easily recognized
17 characteristic.

18 (3) For purposes of this section, a map, plat, or survey that shows an
19 approximate ordinary high water mark shall state on its face that the mark is shown
20 for reference only.

✓
21 **SECTION 44.** 236.03 (2) of the statutes is amended to read:

22 236.03 (2) This chapter does not apply to cemetery plats made under s. 157.07
23 and assessors’ plats made under s. 70.27, but such assessors’ plats shall, except in
24 counties having a population of 500,000 or more, comply with ss. 236.15 (1) (a) (ac)
25 to (g) and 236.20 (1) and (2) (a) to (e), unless waived under s. 236.20 (2) (L).

✓
1 **SECTION 45.** 236.11 (2) of the statutes is renumbered 236.11 (2) (a) and
2 amended to read:

3 236.11 (2) (a) The subdivider or subdivider's agent shall submit to the body or
4 bodies having authority to approve plats an electronic copy of the final plat or a copy
5 of the final plat that is capable of legible reproduction. The approving authority or
6 authorities shall approve or reject the final plat within 60 days of its submission,
7 unless the time is extended by agreement with the subdivider or subdivider's agent.
8 When the approving authority is a municipality and determines to approve the plat,
9 it shall give at least 10 days' prior written notice of its intention to the clerk of any
10 municipality whose boundaries are within 1,000 feet of any portion of such proposed
11 plat but failure to give such notice shall not invalidate any such plat. If a plat is
12 rejected, the reasons therefor shall be stated in the minutes of the meeting and a copy
13 thereof or a written statement of the reasons shall be supplied to the subdivider or
14 subdivider's agent. If the approving authority fails to act within 60 days and the time
15 has not been extended by agreement and if no unsatisfied objections have been filed
16 within that period, the plat shall be deemed approved, and, upon demand, a
17 certificate to that effect shall be made on the face of the plat by the clerk of the
18 authority ~~which~~ that has failed to act.

✓
19 **SECTION 46.** 236.11 (2) (b) of the statutes is created to read:

20 236.11 (2) (b) The approval of the approving authority or authorities may be
21 based on the copy submitted under par. (a) but the approval must be inscribed on the
22 recordable plat document. Before inscribing its approval, the approving authority
23 shall require the subdivider or subdivider's agent to certify the respects in which the
24 recordable plat document differs from the copy, if any. An approving authority must
25 approve all modifications in the final plat before it gives final approval to the plat.

1 No approving authority may inscribe its final approval on a plat before the affixing
2 of the certificate by the department under s. 236.12 (3).

3 SECTION 47. 236.12[✓] (2) (intro.) and (a) of the statutes are consolidated,
4 renumbered 236.12 (2) (ap) and amended to read:

5 236.12 (2) (ap) Within 2 days after a preliminary or final plat is submitted for
6 approval, ~~legible copies, together with a list of the authorities to which the plat must~~
7 ~~be submitted for approval under s. 236.10 or objection under this subsection,~~
8 ~~furnished by the subdivider at the subdivider's expense, shall be sent, by the clerk~~
9 ~~or secretary of the approving authority to which the plat is submitted, to the~~
10 ~~following agencies which have authority under par. (ac), the department shall~~
11 ~~transmit an electronic copy of the plat, or, if the department prefers, 2 legible hard~~
12 ~~copies of the plat, to each state agency authorized to object to the plat: (a) Two copies~~
13 ~~for each of the state agencies required to review the plat to the department which~~
14 ~~shall examine the plat for compliance with ss. 236.15, 236.16, 236.20 and 236.21 (1)~~
15 ~~and (2) under this paragraph.~~ If the subdivision abuts or adjoins a state trunk
16 highway or connecting highway, the department shall transmit 2 a copy or copies of
17 the plat to the department of transportation so that the agency may determine
18 whether it has any objection to the plat on the basis of its rules as provided in s.
19 236.13. If the subdivision is not served by a public sewer and provision for that
20 service has not been made, the department shall transmit 2 a copy or copies of the
21 plat to the department of safety and professional services so that ~~that~~ the agency may
22 determine whether it has any objection to the plat on the basis of its rules as provided
23 in s. 236.13. In lieu of this procedure the agencies may designate local officials to act
24 as their agents in examining the plats for compliance with the statutes or their rules
25 by filing a written delegation of authority with the approving body.

1 **SECTION 48.** 236.12 (2) (ac) of the statutes is created to read:

2 236.12 (2) (ac) The subdivider or subdivider's agent shall submit an electronic
3 copy of the preliminary or final plat, or a copy of the preliminary or final plat that
4 is capable of clearly legible reproduction, to the department, which shall examine the
5 plat for compliance with ss. 236.15, 236.16, 236.20, and 236.21 (1) and (2).

6 **SECTION 49.** 236.12 (2) (b) of the statutes is amended to read:

7 236.12 (2) (b) ~~Four copies~~ Within 2 days after a preliminary or final plat is
8 submitted under par. (ac), the department shall transmit an electronic copy of the
9 plat, or, if the department prefers, 4 legible hard copies of the plat, to the county
10 planning agency, if the agency employs on a full-time basis a professional engineer,
11 a planner, or other person charged with the duty of administering planning
12 legislation and adopts a policy requiring submission so that the body may determine
13 if it has any objection to the plat on the basis of a conflict with park, parkway,
14 expressway, major highways, airports, drainage channels, schools, or other planned
15 public developments. If no county planning agency exists, then 2 copies to the county
16 park commission except that in a county with a county executive or county
17 administrator, 2 copies to the county park manager, if the subdivision abuts a county
18 park or parkway so that the body may determine if it has any objection to the plat
19 on the basis of a conflict with the park or parkway development.

20 **SECTION 50.** 236.12 (3) and (6) of the statutes are consolidated, renumbered
21 236.12 (3) and amended to read:

22 236.12 (3) Within 20 days ~~of~~ after the date of receiving the copies of the plat
23 any agency having authority to object under sub. (2) shall notify the subdivider or
24 subdivider's agent and all ~~approving or objecting authorities~~ other agencies having
25 the authority to object of any objection based upon failure of the plat to comply with

1 the statutes or rules ~~which~~ that its examination under sub. (2) is authorized to cover,
2 or, if there is no objection, it shall so certify on the face of a copy of the plat and return
3 that copy to the ~~approving authority from which it was received.~~ The plat shall not
4 ~~be approved or deemed approved until any objections have been satisfied.~~ If the
5 ~~objecting agency fails to act within the 20-day limit it shall be deemed to have no~~
6 ~~objection to the plat. No approving authority may inscribe its approval on a plat prior~~
7 ~~to the affixing of the certificates under either sub. (4) or (6).~~ (6) In lieu of the
8 ~~procedure under subs. (2) to (5), the subdivider or the subdivider's agent may submit~~
9 ~~the original plat to the department which shall forward 2 copies to each of the~~
10 ~~agencies authorized by sub. (2) to 9 department shall have the required number of~~
11 ~~copies made at the subdivider's expense. Within 20 days of the date of receiving the~~
12 ~~copies of the plat any agency having authority to object under sub. (2) shall notify the~~
13 ~~subdivider, and all agencies having the authority to object, of any objection based~~
14 ~~upon failure of the plat to comply with the statutes or rules which its examination~~
15 ~~under sub. (2) is authorized to cover, or, if there is no objection, it shall so certify on~~
16 ~~the face of a copy of the plat and return that copy to the department. After each~~
17 ~~agency and the department have certified that they have no objection or that their~~
18 ~~objections have been satisfied, the department shall so certify on the face of the plat.~~
19 If an agency fails to act within 20 days from the date of the receipt of on which it
20 received the copy or copies of the plat, and the department fails to act within 30 days
21 of receipt of the original from the date on which it received the copy of the plat, it shall
22 be deemed that there are no objections to the plat and, upon demand, it the
23 department shall be so ~~certified~~ certify on the face of the plat by the department.

24 SECTION 51. 236.12 (4) of the statutes is repealed.

25 SECTION 52. 236.12 (5) of the statutes is repealed.

1 **SECTION 53.** 236.12 (8) of the statutes is renumbered 236.12 (4m) and amended
2 to read:

3 236.12 (4m) In order to facilitate approval of the final plat ~~where~~ whenever
4 more than one approval is required, the subdivider ~~may~~ or subdivider's agent shall
5 file ~~a true copy of the plat with the each~~ approving authority ~~or authorities with~~
6 ~~which the original of the final plat has not been filed. The approval of such~~
7 ~~authorities may be based on such copy but shall be inscribed on the original of the~~
8 ~~final plat. Before inscribing its approval, the approving authority shall require the~~
9 ~~surveyor or the owner to certify the respects in which the original of the final plat~~
10 ~~differs from the copy. All modifications in the final plat shall be approved before final~~
11 ~~approval is given~~ a true copy of the plat that the subdivider or subdivider's agent
12 submitted to the department.

13 **SECTION 54.** 236.13 (2) (a) of the statutes is amended to read:

14 236.13 (2) (a) As a further condition of approval, the governing body of the town
15 or municipality within which the subdivision lies may require that the subdivider
16 make and install any public improvements reasonably necessary or that the
17 subdivider execute a surety bond or provide other security to ensure that he or she
18 will make those improvements within a reasonable time. The subdivider may
19 construct the project in such phases as the governing body approves, which approval
20 may not be unreasonably withheld. If the subdivider's project will be constructed in
21 phases, the amount of any surety bond or other security required by the governing
22 body shall be limited to the phase of the project that is currently being constructed.
23 The governing body may not require that the subdivider provide any security for
24 improvements sooner than is reasonably necessary before the commencement of the
25 installation of the improvements. This paragraph applies to all preliminary and

1 final plats, regardless of whether submitted for approval before, on, or after the
2 effective date of this paragraph [LRB inserts date].

3 **SECTION 55.** 236.13 (2m) of the statutes is amended to read:

4 236.13 (2m) As a further condition of approval when lands included in the plat
5 lie within 500 feet of the ordinary high-water mark of any lake, any navigable
6 perennial stream, lake or any other body of navigable water or if land in the proposed
7 plat involves lake or navigable perennial stream shorelands referred to in s. 236.16,
8 the department of natural resources, to prevent pollution of navigable waters, or the
9 department of safety and professional services, to protect the public health and
10 safety, may require assurance of adequate drainage areas for private on-site
11 wastewater treatment systems and building setback restrictions, or provisions by
12 the owner for public sewage disposal facilities for waters of the state, as defined in
13 s. 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as
14 defined in s. 281.01 (7). The public sewage disposal facilities may consist of one or
15 more systems as the department of natural resources or the department of safety and
16 professional services determines on the basis of need for prevention of pollution of
17 the waters of the state or protection of public health and safety.

18 **SECTION 56.** 236.15 (1) (intro.) of the statutes is renumbered 236.15 (1) (ac) and
19 amended to read:

20 236.15 (1) (ac) All of the monuments required in pars. ~~(a)~~ (ag) to (h) shall be
21 placed flush with the ground ~~where~~ ^{if} practicable. Whenever placement of a
22 monument under this subsection is required at a corner or point that falls within a
23 street or proposed future street, the monument shall be placed in the side line of the
24 street.

if practicable

✓
1 **SECTION 57.** 236.15 (1) (a) of the statutes is renumbered 236.15 (1) (ag) and
2 amended to read:

3 236.15 (1) (ag) The external boundaries of a subdivision shall be monumented
4 in the field by monuments of concrete containing a ferrous rod one-fourth inch in
5 diameter or greater imbedded its full length, not less than 18 inches in length, not
6 less than 4 inches square or 5 inches in diameter, and marked on the top with a cross,
7 brass plug, iron rod, or other durable material securely embedded; or by iron rods or
8 pipes at least 18 inches long and 2 inches in diameter weighing not less than 3.65
9 pounds per lineal foot. Solid round or square iron bars of equal or greater length or
10 weight per foot may be used in lieu of pipes wherever pipes are specified in this
11 section. These monuments shall be placed at all corners, at each end of all curves,
12 at the point where a curve changes its radius, at all angle points in any line and at
13 all angle points along the meander line, said points to be not less than 20 feet back
14 from the determined or approximated ordinary high water mark of the lake or from
15 the bank of the stream, except that when such corners or points fall within a street,
16 or proposed future street, the monuments shall be placed in the side line of the street.

✓
17 **SECTION 58.** 236.15 (1) (b) of the statutes is amended to read:

18 236.15 (1) (b) All internal boundaries and those corners and points not required
19 to be marked by par. (a) (ag) shall be monumented in the field by like monuments as
20 defined in par. (a) (ag). These monuments shall be placed at all block corners, at each
21 end of all curves, at the point where a curve changes its radius, and at all angle points
22 in any line.

✓
23 **SECTION 59.** 236.15 (1) (d) of the statutes is amended to read:

24 236.15 (1) (d) The lines of lots, outlots, parks and public access and land
25 dedicated to the public that extend to lakes or to navigable perennial streams shall